BRINKS
HOFER
GILSON
&LIONE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Appln. of: Alan Kenneth McCall, et al.

Appln. No.:   10/761,772

Filed: January 20, 2004

For: MOTION DETECTION USING A SHOCK SENSOR IN A REMOTE TIRE PRESSURE MONITORING SYSTEM

Attorney Docket No: 1981/689

Examiner: not assigned

Art Unit: 2632

Mai Stop Petition
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL

Sir:

Attached is/are:

☒ Petition under 37 CFR 1.181 with Declaration of John G. Rauch with Exhibit 1, copy of the Notice of Omitted Items mailed 4/19/2004, two identical compact discs marked REPLACEMENT COPY 1 and REPLACEMENT COPY 2 and having a CD-Rom appendix containing computer source code in IBM-PC format compatible with MS-Windows operating system; a list of the 15 files contained in two folders on the compact discs, along with the file sizes in bytes and the file creation dates is provided on the following pages of this transmittal. The creation date of the CD-Roms is June 18, 2004

☒ Return Receipt Postcard

Fee calculation:

☐ No additional fee is required.

☐ Small Entity.

☐ An extension fee in an amount of $_____ for a _____-month extension of time under 37 C.F.R. § 1.136(a).

☒ A petition or processing fee in an amount of $130 under 37 C.F.R. § 1.17(h).

☐ An additional filing fee has been calculated as shown below:

			Highest No.	Present		Small Entity		or	Not a Small Entity	
	Claims Remaining After Amendment		Previously Paid For	Extra		Rate	Add'l Fee		Rate	Add'l Fee
Total		Minus				x $9=			x $18=	
Indep.		Minus				x 43=			x $86=	
First Presentation of Multiple Dep. Claim						+$145=			+ $290=	
						Total	$		Total	$

Fee payment:

☐ A check in the amount of $_____ is enclosed.

☒ Please charge Deposit Account No. 23-1925 in the amount of $130. A copy of this Transmittal is enclosed for this purpose.

☐ Payment by credit card in the amount of $_____ (Form PTO-2038 is attached).

☒ The Director is hereby authorized to charge payment of any additional filing fees required under 37 CFR § 1.16 and any patent application processing fees under 37 CFR § 1.17 associated with this paper (including any extension fee required to ensure that this paper is timely filed), or to credit any overpayment, to Deposit Account No. 23-1925.

☒   The enclosed CD Rom appendix contains the following files:

Name of file   Size in bytes

Folder Motion Detection Software	File name	Size	Date of Creation
	adcony.asm	919 bytes	1/23/2003
	delay	6322 bytes	12/4/2002
	framtx.asm	3663 bytes	2/5/2003
	Main.asm	6530 bytes	1/16/2004
	motion.asm	4591 bytes	2/5/2003
	quad.asm	10719 bytes	12/4/2002
	startup.asm	3506 bytes	12/4/2002
	tx_sync.asm	2030 bytes	1/23/2003
Wireless Software			
	delay.asm	6322 bytes	8/8/2002
	dirchk6.asm	17955 bytes	12/4/2002
	framerx.asm	11516 bytes	11/29/2002
	frametx.asm	7452 bytes	6/6/2003
	frd3_5.asm	19078 bytes	12/19/2003
	inital.asm	2894 bytes	11/29/2002
	wirbd3_5.asm	19036 bytes	5/29/2003

Respectfully submitted,

_6/18/04_
Date

John G. Rauch (Reg. No. 37,218)

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	)
	)
McCall, Alan Kenneth, et al.	)
	) Examiner *not assigned*
Serial No. 10/761,772	)
	) Group Art Unit No. 2632
Filing Date: January 20, 2004	)
	)
For MOTION DETECTION USING A	)
SHOCK SENSOR IN A REMOTE	)
TIRE PRESSURE MONITORING	)
SYSTEM	

PETITION UNDER 37 C.F.R. § 1.181

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the Notice of Omitted Items in a Nonprovisional Application dated April 19, 2004, Applicant hereby petitions under 37 CFR § 1.181 for a determination that the files contained on the compact discs filed with the application were received by the USPTO.

06/22/2004 NBLANCO 00000003 231925   10761772
01 FC:1460   130.00 DA

The present application was filed on January 20, 2004, with the necessary filing fee, a 64 page specification, 27 sheets of drawings, signed Declaration, two identical compact discs containing a Computer Listing Appendix and a preliminary amendment, along with other documents. The compact discs included a total of 17 files in two folders. The preliminary amendment amended the specification to add a reference to the compact discs and to list the files stored thereon. A copy of the return receipt postcard filed with the application is enclosed herewith as Exhibit 1 to the attached Declaration of John G. Rauch.

On April 19, 2004, a Notice of Omitted Items in a Nonprovisional Application was mailed from the USPTO in connection with this application. According to the notice,

> the office is unable to read all the files on the compact disc(s). A new duplicate set of discs is required. This includes bad media, viruses and unknown or corrupted filed format.

A review of the file copy of the compact disc maintained with applicant's file for the application disclosed that the file contained two files in a format other than the ASCII format required by 37 C.F.R. § 1.52(e)(i)(3). These files were named **motx.pjt** and **wirbd3_5.pjt**. The remaining files on the file copy of the disc were in ASCII format.

To correct the noted deficiency, applicants submit herewith the required duplicate set of compact discs. The non-ASCII files contained on the discs at the time of filing have been removed. The replacement discs contain only files in ASCII format. As evidenced by the attached Declaration of John G. Rauch, the application was filed with two identical copies of the compact disc and each compact disc was confirmed to include all of the files listed on the transmittal for the application. As evidenced by the attached return receipt postcard, the complete application with the compact discs was received by the USPTO. The enclosed discs include the ASCII files that were filed with the application and omit the non-ASCII files from that date.

If the present petition is approved, it is proposed to file a preliminary amendment to correct the reference to the Computer Listing Appendix included in the specification of the application. The specification should be amended by deleting the reference to the non-ASCII files which have been removed from the replacement discs. This amendment to conform the
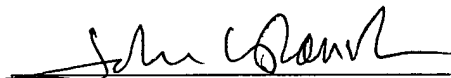
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specification to the contents of the Computer Listing Appendix will be submitted upon grant of the petition..

Accordingly, as this petition and accompanying exhibit evidencing deposit of the original compact discs are being timely filed in response to the Notice of Omitted Item(s) dated April 19, 2004, the determination that items were omitted in this application should be withdrawn.

Fee payment

The Commissioner is hereby authorized to charge payment of any fees associated with this petition to Brinks Hofer Gilson & Lione Deposit Account No. 23-1925. A duplicate copy of this document is enclosed. A determination that the alleged missing items were actually received by the USPTO is respectfully requested, along with refund of the enclosed fee.

Respectfully submitted,

John G. Rauch
Registration No. 37,218
Attorney for Applicant

June 18, 2004
BRINKS HOFER GILSON & LIONE
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(312) 321-4200

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